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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

14 TORRANCE AIRPORT ) Case No. 2:24-cv-02692-JFW  
15 ASSOCIATION, CHAPTER OF ) (MRWx)  
16 CALIFORNIA PILOTS )  
17 ASSOCIATION, a California Nonprofit ) **CITY OF TORRANCE'S**  
Public Benefit Corporation, ) **ANSWER TO VERIFIED**  
Petitioner, ) **AMENDED PETITION FOR**  
18 ) **WRITS OF ADMINISTRATIVE**  
v. ) **MANDAMUS (CCP § 1094.5),**  
19 ) **TRADITIONAL MANDATE**  
20 ) **(CCP § 1085), OTHER**  
21 CITY OF TORRANCE, ) **EXTRAORDINARY RELIEF,**  
22 Respondent. ) **DECLARATORY RELIEF, AND**  
Petition Filed: March 8, 2024  
23 ) **INJUNCTIVE RELIEF**  
24 )  
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Respondent City of Torrance (City) hereby responds to the verified amended petition for writs of administrative mandamus, traditional mandate, other extraordinary relief, declaratory relief, and injunctive relief (FAP) filed by Petitioner Torrance Airport Association, Chapter of California Pilots Association (Petitioner), as follows:

1. The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the FAP and on that ground denies all allegations therein.

2. The City admits the allegations in paragraph 2 of the FAP.

10       3.     The City lacks knowledge or information sufficient to form a belief as to  
11 the truth of the allegations in paragraph 3 of the FAP and on that ground denies all  
12 allegations therein.

13 ||| 4. The City admits the allegations in paragraph 4 of the FAP.

14 5. The City admits the allegations in paragraph 5 of the FAP.

15       6. The City denies the allegations in the first and second sentences of  
16 paragraph 6 of the FAP. The City admits the remaining allegations in paragraph 6 of  
17 the FAP but has no legal obligation to do so because the allegations comprise legal  
18 conclusions.

19 7. The City denies the allegations in paragraph 7 of the FAP.

20 8. The City admits the allegations in paragraph 8 of the FAP.

21        9. The City admits the allegations in paragraph 9 of the FAP.

22 10. The City denies the allegations in paragraph 10 of the FAP.

23 11. The City admits the allegations in paragraph 11 of the FAP.

24 12. The City admits the allegations in paragraph 12 of the FAP.

25 13. The City admits the allegations in paragraph 13 of the FAP.

26 14. The City admits that the airport was formerly known as I

27 Strip and denies, on lack of information and belief, the remaining allegations of  
28 paragraph 14 of the FAP.

1       15. The City admits that in March 1948, the United States executed a deed  
2 to the City for the airport, and further alleges that the deed speaks for itself, so that no  
3 further response is required. Except as alleged or admitted, the City denies all other  
4 and remaining allegations in paragraph 15 of the FAP.

5       16. The City admits that in March 1956, the United States executed a deed  
6 to the City for the airport, and further alleges that the deed speaks for itself, so that no  
7 further response is required. Except as alleged or admitted, the City denies all other  
8 and remaining allegations in paragraph 16 of the FAP.

9       17. The City lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations in paragraph 17 of the FAP and on that ground denies all  
11 allegations therein.

12       18. The City admits the allegations in the first sentence of paragraph 18 of  
13 the FAP. In response to the remaining allegations in paragraph 18 of the FAP, the  
14 City alleges that the Resolution speaks for itself, so that no further response is  
15 required. Except as alleged or admitted, the City denies all other and remaining  
16 allegations in paragraph 18 of the FAP.

17       19. In response to the allegations in paragraph 19 of the FAP, the City  
18 alleges that the ANCLUC Report speaks for itself, so that no further response is  
19 required. Except as alleged or admitted, the City denies all other and remaining  
20 allegations in paragraph 19 of the FAP.

21       20. The City admits the allegations in the first sentence of paragraph 20 of  
22 the FAP. Except as alleged or admitted, the City denies all other and remaining  
23 allegations in paragraph 20 of the FAP.

24       21. The City admits the allegations in the first and second sentences of  
25 paragraph 21 of the FAP. Except as alleged or admitted, the City denies all other and  
26 remaining allegations in paragraph 21 of the FAP.

27       22. The City admits the allegations in the first sentence of paragraph 22 of  
28 the FAP and further alleges that the transcript for the referenced public hearing

1 speaks for itself, so that no further response is required. Except as alleged or  
2 admitted, the City denies all other and remaining allegations in paragraph 22 of the  
3 FAP.

4       23. The City denies the first and second sentences of paragraph 23 of the  
5 FAP. The City admits the allegations in the third sentence of paragraph 23 of the  
6 FAP. The City further alleges that the City's staff report, transcript for the referenced  
7 public hearing, and all public comments and statements made before and during the  
8 hearing speak for themselves, so that no further response is required. Except as  
9 alleged or admitted, the City denies all other and remaining allegations in paragraph  
10 23 of the FAP.

11       24. In response to the allegations in paragraph 24 of the FAP, the City  
12 alleges that the transcript for the referenced public hearing speaks for itself, so that no  
13 further response is required. Except as alleged or admitted, the City denies all other  
14 and remaining allegations in paragraph 24 of the FAP.

15       25. In response to the allegations in paragraph 25 of the FAP, the City  
16 alleges that the transcript, minutes, and agenda for the referenced public hearing  
17 speak for themselves, so that no further response is required. Except as alleged or  
18 admitted, the City denies all other and remaining allegations in paragraph 25 of the  
19 FAP.

20       26. The City admits the allegations in the first sentence of paragraph 26 of  
21 the FAP and further alleges that the transcript for the referenced public hearing and  
22 all public comments submitted before and during that hearing speak for themselves,  
23 so that no further response is required. Except as alleged or admitted, the City denies  
24 all other and remaining allegations in paragraph 26 of the FAP.

25       27. The City admits the allegations in the first sentence of paragraph 27 of  
26 the FAP and further alleges that the City's staff report, transcript for the referenced  
27 public hearing, and all public comments and statements made before and during the  
28 hearing speak for themselves, so that no further response is required. Except as

1 alleged or admitted, the City denies all other and remaining allegations in paragraph  
2 27 of the FAP.

3       28. In response to the allegations in paragraph 28 of the FAP, the City  
4 alleges that the transcript for the referenced public hearing and all public comments  
5 and statements made before and during the hearing speak for themselves, so that no  
6 further response is required. Except as alleged or admitted, the City denies all other  
7 and remaining allegations in paragraph 28 of the FAP.

8       29. The City admits the allegations in the first sentence of paragraph 29 of  
9 the FAP and further alleges that the transcript for the referenced public hearing and  
10 all public comments and statements made before and during the hearing speak for  
11 themselves, so that no further response is required. Except as alleged or admitted, the  
12 City denies all other and remaining allegations in paragraph 29 of the FAP.

13       30. The City admits the allegations in paragraph 30 of the FAP.

14       31. The City admits the allegations in paragraph 31 of the FAP.

15       32. The City denies the allegations in paragraph 32 of the FAP.

16       33. The allegations in paragraph 33 of the FAP are legal argument and  
17 conclusions, and no further response is required. Except as alleged or admitted, the  
18 City denies all other and remaining allegations in paragraph 33 of the FAP.

19       34. In response to the allegations in paragraph 34 of the FAP, the City  
20 alleges that the February 18, 2020 letter speaks for itself, so that no further response  
21 is required. Except as alleged or admitted, the City denies all other and remaining  
22 allegations in paragraph 34 of the FAP.

23       35. In response to the allegations in paragraph 35 of the FAP, the City  
24 alleges that the referenced letters speak for themselves, so that no further response is  
25 required. Except as alleged or admitted, the City denies all other and remaining  
26 allegations in paragraph 35 of the FAP.

27       36. In response to the allegations in paragraph 36 of the FAP, the City  
28 alleges that the staff report for and minutes from the Transportation Committee's

1 April 12, 2023, meeting speak for themselves, so that no further response is required.  
2 Except as alleged or admitted, the City denies all other and remaining allegations in  
3 paragraph 36 of the FAP.

4 37. The City denies the allegations in paragraph 37 of the FAP.

5 38. The City admits the allegations in paragraph 38 of the FAP.

6 39. In response to the allegations in paragraph 39 of the FAP, the City  
7 alleges that the City's records speak for themselves, so that no further response is  
8 required. Except as alleged or admitted, the City denies all other and remaining  
9 allegations in paragraph 39 of the FAP.

10 40. The City denies the allegations in paragraph 40 of the FAP.

11 41. In response to the allegations in paragraph 40 of the FAP, the City  
12 alleges that the City's Municipal Code speaks for itself, so that no further response is  
13 required. Except as alleged or admitted, the City denies all other and remaining  
14 allegations in paragraph 41 of the FAP.

15 42. The City denies the allegations in paragraph 42 of the FAP.

16 43. The City admits the allegations in paragraph 43 of the FAP.

17 44. In response to the allegations in paragraph 44 of the FAP, the City  
18 alleges that the FAA orders and forms speak for themselves, so that no further  
19 response is required. Except as alleged or admitted, the City denies all other and  
20 remaining allegations in paragraph 44 of the FAP.

21 45. In response to the allegations in paragraph 45 of the FAP, the City  
22 alleges that the FAA Order 5190.6B speaks for itself, so that no further response is  
23 required. Except as alleged or admitted, the City denies all other and remaining  
24 allegations in paragraph 45 of the FAP.

25 46. In response to the allegations in paragraph 46 of the FAP, the City  
26 alleges that the City's Municipal Code speaks for itself, so that no further response is  
27 required. Except as alleged or admitted, the City denies all other and remaining  
28 allegations in paragraph 46 of the FAP.

1 47. The City denies the allegations in paragraph 47 of the FAP.

2 48. In response to the allegations in paragraph 48 of the FAP, the City  
3 alleges that the referenced staff report speaks for itself, so that no further response is  
4 required. Except as alleged or admitted, the City denies all other and remaining  
5 allegations in paragraph 48 of the FAP.

6 49. In response to the allegations in paragraph 49 of the FAP, the City  
7 alleges that the referenced staff report speaks for itself, so that no further response is  
8 required. Except as alleged or admitted, the City denies all other and remaining  
9 allegations in paragraph 49 of the FAP.

10 50. The City denies the allegations in paragraph 50 of the FAP.

11 51. The allegations in paragraph 51 of the FAP are legal argument and  
12 conclusions, and no further response is required. Except as alleged or admitted, the  
13 City denies all other and remaining allegations in paragraph 51 of the FAP.

14 52. In response to the allegations in the first sentence of paragraph 52 of the  
15 FAP, the City alleges that the City Council Agenda for the November 28, 2023  
16 meeting speaks for itself, so that no further response is required. Except as alleged or  
17 admitted, the City denies all other and remaining allegations in paragraph 52 of the  
18 FAP.

19 53. In response to the allegations in paragraph 53 of the FAP, the City  
20 alleges that the City Charter speaks for itself, so that no further response is required.  
21 Except as alleged or admitted, the City denies all other and remaining allegations in  
22 paragraph 53 of the FAP.

23 54. In response to the allegations in paragraph 54 of the FAP, the City  
24 alleges that the City Charter speaks for itself, so that no further response is required.  
25 Except as alleged or admitted, the City denies all other and remaining allegations in  
26 paragraph 54 of the FAP.

27 55. The City denies the allegations in paragraph 55 of the FAP.

28 56. The City denies the allegations in paragraph 56 of the FAP.

1       57. In response to the allegations in paragraph 57 of the FAP, the City  
2 alleges that the transcript for the referenced public meeting speaks for itself, so that  
3 no further response is required. Except as alleged or admitted, the City denies all  
4 other and remaining allegations in paragraph 57 of the FAP.

5       58. The City denies the allegations in paragraph 58 of the FAP.

6       59. The City denies the allegations in paragraph 59 of the FAP.

7       60. The City denies the allegations in paragraph 60 of the FAP.

8       61. The allegations in paragraph 61 of the FAP are legal argument and  
9 conclusions, and no further response is required. Except as alleged or admitted, the  
10 City denies all other and remaining allegations in paragraph 61 of the FAP.

11       62. The City denies the allegations in paragraph 62 of the FAP.

12       63. The City denies the allegations in paragraph 63 of the FAP.

13       64. The City denies the allegations in paragraph 64 of the FAP.

14       65. The City denies the allegations in paragraph 65 of the FAP.

15       66. In response to the allegations in paragraph 66 of the FAP, the City re-  
16 alleges and incorporates by reference paragraphs 1 through 65 of this Answer.

17       67. The City denies the allegations in paragraph 67 of the FAP.

18       68. The City denies the allegations in paragraph 68 of the FAP.

19       69. The City denies the allegations in paragraph 69 of the FAP.

20       70. The City denies the allegations in paragraph 70 of the FAP.

21       71. The City denies the allegations in paragraph 71 of the FAP.

22       72. The City denies the allegations in paragraph 72 of the FAP.

23       73. The City denies the allegations in paragraph 73 of the FAP.

24       74. In response to the allegations in paragraph 74 of the FAP, the City re-  
25 alleges and incorporates by reference paragraphs 1 through 73 of this Answer.

26       75. The City denies the allegations in paragraph 75 of the FAP.

27       76. The City denies the allegations in paragraph 76 of the FAP.

28       77. The City denies the allegations in paragraph 77 of the FAP.

78. The City denies the allegations in paragraph 78 of the FAP.

79. The City denies the allegations in paragraph 79 of the FAP.

80. The City denies the allegations in paragraph 80 of the FAP.

81. The City denies the allegations in paragraph 81 of the FAP.

# ANSWERING PRAYER FOR RELIEF

1. Answering paragraph 1 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

2. Answering paragraph 2 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

3. Answering paragraph 3 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

4. Answering paragraph 4 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

5. Answering paragraph 5 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

6. Answering paragraph 6 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

7. Answering paragraph 7 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

8. Answering paragraph 8 of Prayer for Relief, the City requests that this Court deny the relief requested therein.

## **FIRST AFFIRMATIVE DEFENSE (Failure to State a Claim)**

1. The FAP, and each purported cause of action alleged therein, fails to state a claim upon which relief may be granted

## **SECOND AFFIRMATIVE DEFENSE (Failure to Exhaust Administrative Remedies)**

2. Without admitting any allegation in the FAP, the City alleges that Petitioner failed to exhaust existing and available administrative remedies prior to commencement of this action.

## **THIRD AFFIRMATIVE DEFENSE (Failure to Exhaust Issues)**

3. Without admitting any allegation in the FAP, the City alleges that the claims alleged in the FAP are barred, in whole or in part, because they were not raised at the hearing at which the City Council approved the Ordinance at issue.

## **FOURTH AFFIRMATIVE DEFENSE (Statute of Limitations)**

4. Without admitting any allegation in the FAP, the City alleges that Petitioner failed to file this action, and the various claims and issues alleged therein (in whole or in part), within the time permitted by law.

## **FIFTH AFFIRMATIVE DEFENSE (Standing)**

5. Without admitting any allegation in the FAP, the City alleges that Petitioner lacks standing in that it cannot show for itself or the public a clear, present, and beneficial right to performance of the duty or duties that the City allegedly did not perform.

## **SIXTH AFFIRMATIVE DEFENSE (Waiver/Forfeiture)**

6. Without admitting any allegation in the FAP, the City alleges that Petitioner's action, and the claims and issues alleged therein (in whole or in part), are barred by the waiver/forfeiture doctrine. The City further alleges that should Petitioner's opening brief fail to raise any claim or issue alleged in the FAP, the omitted claim or issue is barred by the waiver/forfeiture doctrine and that such issues are deemed forfeited/abandoned.

## SEVENTH AFFIRMATIVE DEFENSE (Laches)

7. Without admitting any allegation in the FAP, the City alleges that Petitioner unreasonably delayed the commencement and prosecution of this action to the prejudice of the City, whereby the FAP, and each cause of action presented therein, is barred by the doctrine of laches.

## **EIGHTH AFFIRMATIVE DEFENSE (Lawful Exercise of Discretion and Compliance with Law)**

8. Without admitting any allegation in the FAP, the City alleges that the FAP, and the claims and issues alleged therein (in whole or in part), are barred because the City lawfully exercised its discretion and complied with all applicable laws.

## **NINTH AFFIRMATIVE DEFENSE (Collateral Estoppel)**

9. Without admitting any allegation in the FAP, the City alleges that the FAP, and the claims and issues alleged therein (in whole or in part), are barred by the collateral estoppel doctrine.

# **TENTH AFFIRMATIVE DEFENSE**

## **(Res Judicata)**

10. Without admitting any allegation in the FAP, the City alleges that the FAP, and the claims and issues alleged therein (in whole or in part), are barred by the res judicata doctrine.

## **ELEVENTH AFFIRMATIVE DEFENSE (Unclean Hands)**

11. Without admitting any allegation in the FAP, the City alleges that Petitioner's claims are barred, in whole or in part, by the doctrine of unclean hands.

## **TWELFTH AFFIRMATIVE DEFENSE (Estoppel)**

12. Without admitting any allegation in the FAP, the City alleges that Petitioner by its conduct and/or that of its agents, are estopped to assert or enforce all or any part of the claims alleged in the FAP.

## THIRTEENTH AFFIRMATIVE DEFENSE (Notice)

13. The causes of action in the FAP are barred by Petitioner's failure to give timely notice to the California Attorney General.

## **FOURTEENTH AFFIRMATIVE DEFENSE (Attorney's Fees)**

14. Petitioner does not qualify for an award of attorneys' fees because they, and each of them, are suing for their personal benefit.

## **FIFTEENTH AFFIRMATIVE DEFENSE (Separation of Powers)**

15. The City alleges that the relief requested by Petitioner is barred because it would require the Court to substitute its judgment for that of the City to engage in land use planning in violation of the principles of separation of powers and/or engage in continuous judicial supervision over governmental affairs.

## **SIXTEENTH AFFIRMATIVE DEFENSE (Mootness)**

16. Without admitting any allegation in the FAP, the City alleges that the FAP, and each of its causes of actions and claims alleged therein, are barred because the FAP, and each of its causes of actions and claims alleged therein, are moot.

## **SEVENTEENTH AFFIRMATIVE DEFENSE (Other Defenses)**

17. Without admitting any allegation in the FAP, the City alleges that the City may have other separate and additional defenses of which it is not presently aware and hereby reserve the right to raise such defenses by amendment of this Answer, or by their opposition briefs in this action.

## PRAYER FOR RELIEF

WHEREFORE, the City prays that:

3       1. Petitioner's request for relief, in all respects, be denied and Petitioner  
4 take nothing by this action;

5       2. Judgment be entered denying the FAP and each cause of action therein;

6       3. Reasonable attorney's fees incurred by the City be awarded, if  
7 authorized;

8       4. Costs of suit incurred by the City be awarded; and

9       5. The Court grant such other relief as may be just and proper.

11 || January 2, 2025 GATZKE DILLON & BALLANCE LLP

By: /s/ *Mark J. Dillon*

Mark J. Dillon

Attorneys for City of Torrance

By: /s/ *Patrick Q. Sullivan*

Patrick Q. Sullivan

## Attorney for City of Torrance

1 **VERIFICATION**

2 I, Mark Dillon, am the attorney for Respondent City of Torrance (City) in the  
3 above-captioned action. The City is not located in San Diego County, California,  
4 where I have my office, and I make this verification for and on behalf of the City for  
5 that reason. I am informed and believe and, on that ground, allege that the matters  
6 stated in the foregoing document are true.

7 I declare under penalty of perjury under the laws of the United States that the  
8 above is true and correct and that I executed this verification on January 2, 2025, in  
9 Carlsbad, California.

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*/s/ Mark J. Dillon*

12 Mark J. Dillon

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## **CERTIFICATE OF SERVICE**

2 I certify that counsel of record who are deemed to have consented to electronic  
3 service are being served on January 2, 2025 with a copy of this document via the  
4 Court's CM/ECF system pursuant to Local Rule 5-3.2.

/s/ *Mark J. Dillon*